

## MISCELLANEOUS FRUIT PRODUCTS

**4663. Adulteration and misbranding of apple butter. U. S. v. California Preserving Co. Plea of guilty. Fine, \$500, of which \$250 was remitted. (F. D. C. No. 8811. Sample Nos. 14228-F, 14264-F.)**

This product contained hairs resembling rodent hairs, failed to conform to the definition and standard of identity for apple butter, and was short weight.

On March 1, 1943, the United States attorney for the Southern District of California filed an information against the California Preserving Co., a corporation, Los Angeles, Calif., alleging shipment on or about May 1, 1942, from the State of California into the State of Arizona of a quantity of apple butter that was adulterated and misbranded. The article was labeled in part, (Jars) "Black and White Pure Apple Butter \* \* \* Haas Baruch & Co. Los Angeles Calif. Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded (1) in that the statement "Net Wt. 2 Lb. 6 Oz.," borne on the jar labels, was false and misleading since the jars contained less than 2 pounds 6 ounces; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that the statement "Apple Butter," borne on the cases and jar labels, was false and misleading since it did not conform to the definition and standard of identity for apple butter; and (4) in that it purported to be and was represented as apple butter, a food for which a definition and standard of identity had been promulgated pursuant to regulations as provided by law, but it did not conform to such definition and standard of identity since the soluble solids content of the finished apple butter was less than 43 percent.

On March 22, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 on each of the 2 counts in the information, but ordered that judgment be satisfied by a payment of \$250 on the first count.

**4664. Adulteration and misbranding of apple butter. U. S. v. 18 Cases and 9 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 9761. Sample No. 24998-F.)**

This product contained rodent hair fragments and insect fragments and failed to meet the standards of identity for apple butter.

On April 8, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 18 cases, each containing 12 1-pound 12-ounce cans and 9 cases, each containing 12 2-pound 6-ounce cans, of apple butter at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about March 18, 1943, by the S. J. Van Lill Co., from Baltimore, Md. The article was labeled in part: (Cans) "Astoria Brand Apple Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions, whereby it may have become contaminated with filth. It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and a standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since the soluble solids content of the finished product was less than 43 percent.

On May 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4665. Misbranding of apple butter. U. S. v. 19 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7880. Sample No. 88200-E.)**

On July 13, 1942, the United States attorney for the Northern District of Texas filed a libel against 19 cases, each containing 24 cans, of apple butter at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about March 27, 1942, by the Morey Mercantile Co., Denver, Colo. The article was labeled in part: (Cans) "Solitaire Apple Butter."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation promulgated pursuant to law and it failed to conform to such definition and standard of identity since its soluble solids content was less than 43 percent, and it contained caramel coloring, and such regulation requires that the soluble solids content of apple butter be not less than 43 percent, and it does not provide for the use of caramel coloring.

On October 12, 1942, no claimant having appeared, judgment of condemnation and destruction was entered, but on October 23, 1942, the decree was amended to provide for delivery of the product to a charitable institution.

**4666. Misbranding of apple butter. U. S. v. 1,442 Cases of Apple Butter. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8963. Sample Nos. 36801-F to 36804-F, incl.)

On December 3, 1942, the United States attorney for the District of Maryland filed a libel against 319 cases, each containing 24 jars, and 1,123 cases, each containing 12 jars, of apple butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 7 to 17, 1942, by the Adams Apple Products Corporation from Aspers, Pa. The article was labeled in part: "Apple Butter \* \* \* Royal Clover Brand Distributed by Royal Clover Distributing Co. Baltimore, Md."

The article was alleged to be misbranded in that the name "Apple Butter" was false and misleading since it did not comply with the definition and standard of identity for apple butter. It was alleged to be misbranded further in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations provided by law, but it failed to conform to such definition and standard since the soluble solids content of the finished apple butter was less than 43 percent.

On March 24, 1943, the Adams Apple Products Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**4667. Adulteration of crystallized ginger, glace cherries, and pineapple. U. S. v. B. M. Reeves Co., Inc. Plea of guilty. Fine, \$2,000.** (F. D. C. No. 7244. Sample Nos. 84191-E, 84192-E.)

This product contained rodent hair, human hair, insect fragments, insect legs and bodies, and nondescript dirt.

On November 5, 1942, the United States attorney for the Eastern District of New York filed an information against the B. M. Reeves Co., Inc., a corporation at Brooklyn, N. Y., alleging delivery for shipment in interstate commerce on or about December 6, 1941, from the State of New York into the State of New Jersey of quantities of the above-named products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Fancy Uco Ginger Fruit," or "Fancy Uco Fruit \* \* \* Cherries & Pineapple."

On May 12, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$2,000.

**4668. Adulteration of huckleberry flow. U. S. v. Harold Fisch (Pure Foods Corporation). Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 7738. Sample No. 92053-E.)

This product contained rodent hairs.

On November 4, 1942, the United States attorney for the Southern District of California filed an information against Harold Fisch, trading as Pure Foods Corporation, Los Angeles, Calif., alleging shipment on or about April 16, 1942, from the State of California into the State of Pennsylvania of a quantity of huckleberry flow which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed, or held, under insanitary conditions whereby it might have become contaminated with filth.

On January 18, 1943, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$100.

**4669. Adulteration and misbranding of jellies. U. S. v. Harold Kushner and Katie Kushner (Ma Kushner's Products). Plea of guilty. Fine, \$100.** (F. D. C. No. 8742. Sample No. 1670-F.)

On February 25, 1943, the United States attorney for the Northern District of Illinois filed an information against Harold Kushner and Katie Kushner, trading as Ma Kushner's Products, at Chicago, Ill., alleging delivery for shipment on or about May 18, 1942, from the State of Illinois into the State of Indiana of a quantity of jellies that were adulterated and misbranded. The articles were labeled in part: (Jars) "Table Hints Brand Apple Raspberry [or "Grape," "Cherry," or "Strawberry"] Jelly \* \* \* Packed For Grocers Service Corporation Headquarters, Chicago, Ill."